

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
May 18-22, 1998

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
5-18	EX	74/662,708	VITA SOURCE	Cissel Hohein Walters*	2(d)	Refusal Affirmed		"LIGHTNING 828" [herbal and botanical dietary supplements and dietary supplements containing extracts, concentrates, metabolites and constituents of herbs and botanicals]	"GREEN LIGHTNING" [powdered dietary supplement]; "LIQUID LIGHTNING" [liquid dietary supplement]	Hamilton	No
5-18	EX	74/568,765	American Fertility Society	Simms Hanak (D) Hairston*	whether the words "SOCIETY FOR REPRO- DUCTIVE MEDICINE" in applicant's mark are generic and must be disclaimed under Sec. 6	Refusal Affirmed		"AMERICAN SOCIETY FOR REPRODUCTIVE MEDICINE" [association services, namely, promoting the interests of the reproductive medicine industry]		Wellington	No
5-18	CANC	22,554	LAF Enterprises, Inc. v. Lauren Enterprises	Cissel Quinn* Walters	whether registrant abandoned its mark through non-use or whether the non-use was legally excusable	Petition to Cancel Denied		"FRANCHISE" [equipment sold as a unit for playing a board game]			No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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5-19	EX	74/532,528 74/532,529 74/591,331	International Flavors & Fragrances	Simms* Seeherman Hohein	whether the specimens of record show use of the marks appearing in applicant's drawings [propriety of registering applicant's marks incorporating a "phantom" or "place holder" element]	Refusal Affirmed		"LIVING xxxx FLAVORS" and "LIVING xxxx FLAVOR" [both marks for: essential oils for use in the manufacture of flavored foodstuffs, smoking tobacco compositions, smoking tobacco articles, chewing tobacco compositions, chewing gums, oral care products and beverages; non-synthetic and synthetic flavor substances for use in the manufacture of flavored foodstuffs, etc.]; "LIVING xxxx" [non-synthetic and synthetic fragrances for use in the manufacture of colognes, etc.; essential oils for use in the manufacture of colognes, etc.]		Blohm	Yes
5-19	EX	74/676,293	Gilbarco, Inc.	Seeherman Hanak Hohein*	2(e)(1)	Refusal Affirmed		"SMARTPAD" [electronic security devices comprising computer memory and microcontroller elements and encryption software for encrypting data entries for use in connection with fuel dispensers]		Atchison	No

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5-20	EX	74/581,388	Universal Services of America, Inc.	Cissel* Seeherman Hohein	2(d); Sec. 6 disclaimer requirement (of term "USA")	Refusal Affirmed (as to disclaimer requirement only)		"USA" (and design) [insurance underwriting services and insurance brokerage services; financial management and financial planning services including tax return preparation and accounting services]	"USA" [administration in the field of life insurance]	R. Herman	No
5-20	EX	74/672,694	Anders Lowe, Inc.	Hohein* Hairston Walters	2(e)(1)	Refusal Affirmed		"LIPSTIX" [lipstick]		Baker	No
5-20	EX	74/591,188	Legal Staffing, Inc.	Sams Simms Cissel*	2(e)(4); Sec. 6 disclaimer requirement (of term "LEGAL STAFFING")	Refusal Affirmed (on both grounds)		"BRIGGS LEGAL STAFFING" [temporary and permanent placement services for legal secretaries]		First	No
5-21	EX	74/620,191	Sports Heritage, U.S.A. Inc.	Hanak* Quinn Hohein	2(d)	Refusal Affirmed		"CLEVELAND SPIDERS" [t-shirts, sweatshirts, jerseys, hats/caps, sport shirts and jackets]	"SPYDER" (and spider design) [wide array of apparel including sweatshirts and t-shirts]	Saito	No
5-22	EX	74/574,975	RCM Enterprises, Inc.	Hohein* Hairston Walters	2(e)(1)	Refusal Affirmed		"SPECIALTY COFFEE RETAILER" [magazines dealing with the business and activities of coffee retailers]		Pologeorgis	No

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